IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1984 OF 2005

Balkrishna R.Kulkarni. ... Petitioner
Versus.
State of Maharashtra. ... Respondent.

Shri A.S.Khandeparkar for the Petitioner.
Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 17th October, 2005.

P.C.:

1. Heard the learned Advocate for the Petitioner and the learned A.P.P. for the State. Shri Khandeparkar states that the Petitioner will make a fresh application under the appropriate provisions of the Code of Criminal Procedure 1973 for seeking production of the relevant documents within a period of two weeks from today. He submits that the said application may be directed to be decided on its own merits without being influenced by the order impugned. In my view the request made by the learned Advocate for the Petitioner deserves to be granted.

2. Accordingly the following order is passed:

i) The Writ Petition is rejected.

ii) The rejection of the Writ Petition will not prevent the Petitioner from making a fresh application for seeking a direction regarding

production of the relevant documents under the appropriate provisions of the Code of Criminal Procedure, 1973. If such an application is made within a period of two weeks from today by the Petitioner, the trial Court will decide the same on its own merits without being influenced by the impugned order and confirmation of the said order.

iii) If fresh application is made by the Applicant within the period of two weeks from today, the same shall be immediately decided by the learned trial Judge and till the decision of the said application further cross-examination of P.W.1 shall be postponed.

iv) It is made clear that if fresh application is not made by the Petitioner within the period of two weeks from today, the learned trial Judge is free to proceed with recording of further cross-examination of P.W.1.

v) The parties and the concerned Court to act on an authenticated copy of the order.

Judge.